

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

1.742
F3C42

598453

July 1940

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Washington, D.C.

CHERRIES IN BRINE INCLUDED UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT

By Act of Congress approved June 29, 1940 (Public 686, 76th Cong.) the Perishable Agricultural Commodities Act was amended to bring cherries in brine within the scope of the law. All those who buy, sell, handle on commission or negotiate sales of cherries in brine (sulphured cherries) in interstate or foreign commerce are required to obtain a license from the Department. The portions amended were paragraphs (4) and (6) of section 1 and paragraphs (1) and (5) of section 2. These paragraphs as amended read as follows:

Sec. 1. (4) The term "perishable agricultural commodity" (A) means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and (B) includes cherries in brine as defined by the Secretary in accordance with trade usages;

Sec. 1. (6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a "dealer" whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine, within the meaning of paragraph 4 of this section. Any person not considered as a "dealer" under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;

Sec. 2. (1) For any commission merchant, dealer, or broker to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;

Sec. 2. (5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to misrepresent by word, act, mark, stencil, label, statement, or deed the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State or country of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce;

USDA
LIP

MAY 28 1946

JUN 4 1946

